

### **REMARKS**

This response is submitted in response to the Non-Final Office Action dated December 12, 2007. Claims 1-41 are pending in this application. Claims 1-41 are rejected in this Office Action. No new matter is added.

#### **35 USC §101 Rejections**

In this Office Action, Claims 35-41 is non-statutory, it is a program per se representing functional descriptive material without a computer and/or a computer readable medium.

Applicants submit that Claims 35-37 have been amended to traverse such rejection. Claim 35 now reads, in part, "A program on a computer readable medium." Amended Claims 36 and 37 contain similar language. Additionally, original Claims 38-41 contain similar language.

Applicants submit that such language is statutory subject matter. The MPEP §2106.01(I) states, "In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.2d at 1583-84, 32 USPQ2d at 1035."

For at least the reasons stated above Applicants respectfully request that the 35 U.S.C. §101 rejections be withdrawn.

#### **35 USC §102(b) and 35 USC §103(a) Rejections**

Claims 1-3, 7-9, 15-18, 23, 26-27, 30-31, and 35-41 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikedo et al (Ikedo), US 6,195,503.

Claims 5-6, 13-14, 21-22, 25, 29, and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikedo, in view of Murase et al (Murase), US 6285826.

Claims 4, 10, 11-12, 19-20, 24, 28, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikedo, in view of Suzuki, US 5751356.

Applicants respectfully submit that Claims 1, 9, 23, 27, 31 and 35-41 have been amended to traverse such rejections.

Claim 1 now reads, in part, "wherein said management information block is further divided into blocks by a hierarchical structure, the middle-level hierarchical management information block corresponding to said actual data is formed for each said actual data, and the corresponding information necessary for reproducing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block and information necessary for non-destructive editing said actual data is set to a low-level hierarchical block of said middle-level hierarchical management information block." Claims 9, 23, 27, 31 and 35-41 contain similar language.

The amendments are fully supported by the specification. For example, see the published patent application in paragraph 91 stating, in part, "The edit atom (edit) includes an edit list atom (edit list) as necessary, and is arranged so as to be employed for non-destructive editing by setting information such as time information up to an in point and an out point, and reproduction speed to this edit list atom."

Including information for non-destructive editing is beneficial in that media may be more safely edited.


The prior art Ikedo does not disclose or suggest including information necessary for non-destructive editing as is claimed and fully supported by the specification. Additionally, the references Murase and Suzuki cannot be relied upon to cure the deficiencies of Ikedo.

For at least the foregoing reasons, Applicants respectfully submit that Claims 1, 9, 23, 27, 31 and 35-41, and the Claims that depend therefrom, are patentably distinguishable and in condition for allowance.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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